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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,277	11/05/2001	Dieter Maier	BSG P45AUSP1	5839

20210 7590 12/20/2002

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EXAMINER

NELSON JR, MILTON

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 12/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/010,277

Applicant(s)  
Maier et al

Examiner  
Milton Nelson, Jr.

Art Unit  
3636



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Dec 2, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above, claim(s) 9 and 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 18, and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). ---- 6) ☐ Other:

Art Unit:

## **DETAILED ACTION**

### ***Election/Restriction***

1. Claims 9 and 13-17 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected embodiment of the invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 4.

2. Applicant's election with traverse of Group IV, Figures 15 and 16, claims 1-8, 10-12, 18 and 19 in Paper No. 4 is acknowledged. Applicant argues that claim 1 is generic to species I-V, and claim 18 is generic to species II-VI. Applicant further argues that these generic claims are allowable. Currently these claims have not been found to be allowable.

The requirement is still deemed proper and is therefore made FINAL.

### ***Preliminary Amendment***

3. The preliminary amendments filed December 2, 2002 has been entered.

### ***Priority***

4. Acknowledgment is made of applicant's claim for foreign priority based on applications filed in the UK. The certified copy of the priority document has been filed as required by 35 U.S.C. 119(b).

Art Unit:

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-8, 10-12 and 18-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 1 and 2, "the child seat structure" lacks proper antecedent basis. In claim 3, "the height of the pivot location above the base surface" lacks proper antecedent basis. In claim 4, "the child structure" lacks proper antecedent basis. In claims 4-5, "the child seat structure" lacks proper antecedent basis. In claims 6, 11 and 12, "the backrest portion" lacks proper antecedent basis. In claims 6, 8 and 10-12, "the child seat structure" lacks proper antecedent basis. In claim 7, "the corresponding connector" lacks proper antecedent basis. In claims 18-19, "the child seat structure" lacks proper antecedent basis.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit:

8. Claims 1-3, 6-8, 10-12, 18 and 19, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by DE (29506847). Note the link (14, 16), and connector (9). In claim 1, note that the base support surface is represented by the surface that engages the vehicle seat bottom. In claim 18, note that the support surface is represented by the surface that engages the vehicle seat bottom.

9. Claims 1, 6, 11, and 18, as best understood with the above cited indefiniteness, are rejected under 35 U.S.C. 102(b) as being anticipated by DE <sup>Burling (588)</sup> (29506847). Note the link (30), coupling mechanism (34, 42), and connector (36). In claim 1, note that the base support surface is represented by the surface that engages the vehicle seat bottom. In claim 18, note that the support surface is represented by the surface that engages the vehicle seat bottom.

***Information Disclosure Statement***

10. The information referred to in the information disclosure statements filed November 5, 2001 and January 24, 2002 has been considered.

***Allowable Subject Matter***

11. Claims 4 and 5 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Art Unit:

*Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. A child seat assembly for a vehicle seat is shown by each of Gasper (5884967) and Hiramatsu et al (6375260).

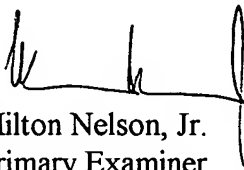
13. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-2168.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (703) 308-2117. The examiner can normally be reached on Monday-Thursday from 5:30 AM-3:00 PM. The examiner can also be reached on alternate Fridays.

The fax number for this Group is (703) 305-3597.

mn

December 16, 2002

  
Milton Nelson, Jr.  
Primary Examiner  
Tech Center 3600